



PATENT

Case Docket No. FISHR11.001AUS

Date: October 30, 2002

Page 1

1646

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In re application of : Boyd, et al.
App. No. : 09/104,340
Filed : June 25, 1998
For : RECEPTOR-LIGAND SYSTEM
AND ASSAY
Examiner : N. Basi
Art Unit : 1646

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October 31, 2002

(Date)

Daniel E. Altman, Reg. No. 34,115

UNITED STATES PATENT AND TRADEMARK OFFICE

P.O. Box 2327

Arlington, VA 22202

Sir/Madame:

Transmitted herewith is a Response in the above-identified application.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Boyd, et al.
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) Daniel E. Altman, Registration No. 34,115

RESPONSE TO OFFICE COMMUNICATION

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United States Patent and Trademark Office
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Dear Sir:

This is in response to the Office Communication mailed from the United States Patent and Trademark Office on October 2, 2002 (Paper No. 27).

REMARKS

The Examiner considered the reply filed on 07/01/02 nonresponsive because the Examiner believed that the Applicant did not address the rejection of claims 5-8 under 35 U.S.C. 102(e) (presented on pages 7-9 of paper number 19, mailed 8/14/01). In view of this, Applicants submit the following:

Rejection under 35 U.S.C. §102(e)

The Examiner has rejected claims 1-8, 20, 34-36, 39-40 and 43 as being anticipated by Boyd et al (Ref B, U.S. Patent No. 5,674,691). More specifically, the Examiner believes that Boyd et al. describes a polypeptide identical to that described in the instant application.

The protein of SEQ ID NO:4 of the present invention contains 271 amino acids and Claim 5 is directed towards an "isolated polypeptide which is capable of binding a LERK, said polypeptide consisting essentially of the amino acid sequence of SEQ ID NO:4." Thus the presently claimed invention requires that the isolated polypeptide consist essentially of the 271 amino acids of SEQ ID NO: 4.